

## Minutes



### Planning and Zoning Commission Regular Session

Council Chamber  
101 W. Abram St.

**November 9, 2011  
5:30 P.M.**

The Planning and Zoning Commission of the City of Arlington, Texas, convened in Regular Session on November 9, 2011, at 5:30 p.m. in the Council Chamber at City Hall, 101 West Abram Street, with the meeting being open to the public and notice of said meeting, giving the date, place and subject thereof, having been posted as prescribed by V.T.C.A., Government Code, Chapter 551, with the following members present, to-wit:

Kevin McGlaun	*	Chair
Clete McAlister	*	
Maurice Barksdale	*	
Brandon Hill	*	
Vera McKissic	*	Commissioners
Charla Hawkes Vinyard	*	
Suzanne Key	*	
Larry Fowler	*	
Samuel Smith, III	*	
Jim Parajon	*	Director, Community Development and Planning
Gincy Thoppil	*	Planning Manager, Community Development and Planning
Mack Reinwand	*	Assistant City Attorney

- I. Called to order at 5:40 p.m.
- II. Pledge was led by Commissioner McAlister.
- III. Minutes of October 19, 2011, P&Z Regular Session were approved.
- IV. PLAT CONSENT AGENDA AND PUBLIC HEARING FOR PLATS
  - A. Replat-Arlington Tech Centre Addition, Lots 2A1A1 & 2A1A2, Block 11 (Zoned Business Park Overlay-Planned Development (BP-PD) for all Business Park Overlay-Business (BP-B) uses plus gasoline sales and accessory outside storage of service vehicles with Airport Overlay 1 (AP1), with a Concept Brief); generally located south of Tech Centre Parkway and east of New York Avenue, with the approximate address of 1500 Tech Centre Parkway
  - B. Replat-Pilant Acres Addition, Lots AR1-AR4, Block II (Zoned Entertainment District Overlay-Industrial Manufacturing (ED-IM)); generally located south of East Division Street and east of Stadium Drive, with the approximate address of 2000 East Division Street

- C. Combination Plat–Matlock Venture Addition, Lots 1 and 2, Block 1 (Zoned Planned Development-Community Service (PD-CS) and Community Service [CS]); generally located north of East Eden Road and east of Matlock Road with the approximate address of 6801 Matlock Road

Brandon Hill made a motion to approve the Plat Consent Agenda. Seconded by Vera McKissic, the motion carried with a vote of 9-0-0.

#### Consent Agenda for Plats APPROVED

#### V. PUBLIC HEARING FOR ZONING CASES

- A. CONTINUED (from 10-19-11) Zoning Case PD11-7  
(QuikTrip-876-1319 and 1425 North Cooper Street, and 600 West Road to Six Flags)

Application to change the zoning on approximately 5.149 acres from Office (O), Community Service (CS), Multi-family (MF-18) to Planned Development-Community Service (PD-CS) with exclusions, with final development plan approval; generally located south of West Road to Six Flags Street and east of North Cooper Street.

Douglas Cooper, Planning Project Manager I/Development, presented this case. He stated that the site has been divided into four tracts. He mentioned that QuikTrip is proposing to development Tract 1 as a 5,700-square foot convenience store with ten gas pumps and Tract 2 as a car wash with a 4,600-square foot building. Tract 3 is not being developed at this time, so a revised development plan will have to be submitted to develop it. Tract 3 is not being developed; however, trees and shrubs planted on it as part of the landscape plan with the development of Tract 1. He said that at the previous meeting they received a letter of opposition from the Shell station and one was received for this meeting from the Shell station diagonally across from the subject site and from the 7-Eleven across Road to Six Flags Street. He stated that the opposition is only two percent of the property owners within the 200-foot boundary.

Chair McGlaun commented that he would like to commend Mr. Cooper and the applicant for working with the property owners. He stated that some of the things they discussed in Work Session that they would like to see in this development were the applicant extending the southbound left turn lane on South Cooper Street by 100 feet to allow for additional stacking, closing the southernmost drive approach on Tract 4, and extending the eight-foot pre-cast masonry wall along the eastern boundary of the proposed site.

Present to speak in support of this case was Albert Rossi, 204 Raintree Court, Colleyville. He stated that he purchased the subject property in 1992. He mentioned that he is pleased to see redevelopment come to Arlington. He said that he owns two more apartment properties and is also the property manager. He stated that if any of the tenants have to be moved because of development, he will offer them comparable apartments in one of his other properties and take care of their first month's rent. He mentioned that he wants to let everyone know that they will be taken care of should they have to be relocated.

Also present to speak in support of this case was J.D. Dudley, QuikTrip, 1120 North Industrial Boulevard, Euless. Commissioner Hill asked if they are amenable to the three stipulations that have been proposed. Mr. Dudley answered that they would prefer to not close off the median as they might want to have access to it in the future. He stated that, in regards to the fence, at this point adjacent to Tract 3 there is an eight-foot commercial fence that the mosque has already built, so if they construct a fence next to

it, there will be an opening between the two fences which will require maintenance, will allow for trash and vermin, and create a security issue. He mentioned that since they are not developing Tract 3, they would rather not have to construct the fence, but there will be the 30-foot transitional buffer with landscaping. He said that far as to the left turn lane, based on their analysis, there are cars stacking there now, so it affects other properties as well. He stated that they would not mind extending the lane, but would rather not have to bear all the expense.

Commissioner Fowler asked about the median cut that was mentioned. Chair McGlaun explained that they are not talking about a median cut, but the existing curb cut on Tract 4. Mr. Dudley replied that they had misunderstood and that the southernmost curb cut will have to be removed when they create the sidewalk there.

Kelly Parma, Lee Engineering, 3030 LBJ Freeway Suite 1660, Dallas. He stated that he is a traffic engineer and they have put together a traffic study for the intersection of Cooper Street and Road to Six Flags Street. He mentioned that they used the QuikTrip, car wash, and the undeveloped Tract 3 as the scenario for the intensity of traffic. He said that the analysis results indicated that an additional three vehicles would be generated at the P.M. peak hours. He stated that the QuikTrip would generate an additional 75 to 100 feet in queue.

Present to go on record in support of this case was Joe Domeier, QuikTrip Corporation, 1120 North Industrial Boulevard, Euless; Steven and John Pietrosen, 5916 Sterling Drive, Colleyville; and Vince Bertec, 2204 Royal Oak Lane, Bedford.

Present to go on record in opposition to this case was Alida Sultana and Iqbal Khan, 1501 North Cooper Street; Alvin Tam Do and Tuan Ngoc Do, 652 West Randol Mill Road.

Chair McGlaun commented that he's heard some concern about the fence. He stated that they discussed unified development plans in Work Session and what they try to do as a Commission is create some type of consistency; and, as staff pointed out, buffering, landscaping, fencing, they like to see the consistency there. He mentioned that he feels the applicant raised a legitimate concern about the existing fence and that it is a quality fence and there will be a distance between them. He said that there are a couple of things to do: they could require that the fence be built at the same time they are building the other fences or offer a stipulation that the fence be built at the time of site plan approval for development of that last pad. He stated that the fence is going to be required at one time or another, so they could work with the adjacent property owner about replacing their fence. He mentioned that the new fence would be more sustainable and, since it's double-sided, will look good from both sides.

Commissioner McAlister commented that he thinks the applicant made some valid points about the fence. He stated that he thinks the existing fence looks good and he's going to vote to approve it however the motion is made. He mentioned that when Tract 3 is developed would be the proper time to address the fence.

Commissioner Vinyard commented that she is concerned because of the uniformity will be less from Road to Six Flags and Cooper Street. She stated that she realizes that the people from the mosque might not like the new fence completing with their existing fence since theirs is unified; however, she is leaning towards the masonry fence.

Chair McGlaun stated that the stipulations that are on the table for the

motion are to require the southbound turn lane to be extended by 100 feet to allow for additional stacking of vehicles, to close the southernmost drive approach, and to extend the eight-foot masonry fence along the entire eastern boundary. He mentioned that extending the time would allow them to work with the adjacent property owner to make it a unified fence.

Commissioner McAlister asked if they can make the stipulation that the fence be put up at a later date. Chair McGlaun replied that they can require that fence to be built at the time they have their site plan approved to develop the remaining tract.

Commissioner McAlister commented that he would make that motion, so Chair McGlaun mentioned the other stipulations: Extend the southbound left turn lane on Cooper Street by 100 feet; on Tract 4, close the southernmost drive approach curb cut; and extend the eight-foot precast masonry wall on the eastern boundary in Tract 3 with the same color and materials during the site plan approval stage of that tract's development.

Clete McAlister made a motion to approve Zoning Case PD11-7 with the following stipulations: Extend the southbound left turn lane on Cooper Street by 100 feet; on Tract 4, close the southernmost drive approach curb cut; and extend the eight-foot precast masonry wall on the eastern boundary in Tract 3 with the same color and materials during the site plan approval stage of that tract's development. Seconded by Larry Fowler, the motion carried with a vote of 9-0-0.

#### APPROVED

B. Zoning Case SUP11-10  
(Tate Springs Day Care-4001 Little Road)

Application for approval of a Specific Use Permit for a day care on approximately 11.16 acres zoned Residential (R); generally located north of West Pleasant Ridge Road and east of Little Road.

Justin French, Planning Project Manager I/Development, presented this case.

Present to go on record in support of this case was Tom McCarty, 6204 Tiffany Park Court; and Terry Jeffries, 4201 Little Road.

Brandon Hill made a motion to approve Zoning Case SUP11-10. Seconded by Larry Fowler, the motion carried with a vote of 9-0-0.

#### APPROVED

C. Zoning Case PD11-10  
(Center Court Redevelopment-906, 908, and 920 South Mesquite Street; 101 Hosack Street; and 1001 South Center Street)

Application to change the zoning on approximately 3.44 acres from Multi-family (MF22) to Planned Development for multi-family with a Development Plan; generally located south of East Mitchell Street and east of South Center Street

Sharon Hurd, Planning Project Manager II/Development, presented this case along with the Substitute Landscaping Plan.

Present to speak in support of this case was Steve Drenner, Winstead PC, 401 Congress Avenue Suite 2100, Austin. He stated they spent a lot of time talking about parking and that not having enough parking would be an economic disaster, so they went to the expense of obtaining a parking study.

He mentioned that unit size is a factor and they feel they have adequate parking. He said that they have spent quite a bit of time working on the landscape plan and he'll detail what improvements they have made. He stated that the flat roof serves several purposes including the use of the water runoff to irrigate the courtyard and it is better suited for the rooftop equipment. He mentioned that it had been suggested to switch the parking garage to the Center Street side but they don't feel this would be a welcome change. He said that they would be willing to take a postponement if they cannot get the issues buttoned up at this meeting. He stated that his list of things to work on includes the proposed wall along the south edge of the alley which they suggest be seven feet high, allow access to any of the property owners to the south, be constructed of split-face CMU with removable wooden inserts on each lot, and not allow gates to swing into the alley, so they would either have to slide horizontally or swing into the lot; and they be required to keep a 24-foot obstruction free alleyway and utilize the other two feet of right-of-way pursuant to an easement use agreement in accordance with City code. He mentioned that they will work on a fence that would extend from the edge of the garage in a northern direction over to Mesquite. He said that their property line is about ten feet off that position and that ten-foot expanse is mandated by the Fire Marshal. He stated that he suggests that the fence be six-feet high and constructed with CMU. He mentioned that the third thing would be modification of the landscape plan with the following four things: increase in caliper size of the trees along Center and Mesquite to four inches, increase the use of native materials with staff approval, the trees along Center and Mesquite would be within minimum six foot by eight foot tree boxes as approved by staff, and the trees in the courtyard come from a select group of trees that would include red bud, service berry, native dogwoods, and other trees in the shade group that would fit in the size and dimension of the courtyard, so they can have shade in that area, and the extension of the sidewalk along Center Street as long as the right-of-way is available to them. He said that is what he would put into the package to work with City staff to have a much cleaner version.

Commissioner Vinyard asked where the parking would be provided for the proposed retail on the first floor of the building. Mr. Drenner replied that it would probably go at the end cap because retailers like that type of location and there are 17 spaces behind it. He stated that at this time, they cannot put the retail in without also providing additional parking. He mentioned that at the time when retail would become viable, hopefully there will be an addition to the property that will accommodate the parking. Commissioner Vinyard asked if the spaces would be marked so that the tenants would not be able to park in them. Mr. Drenner replied that those would probably be designated as visitor spaces. He stated that visitors can park in the garage, but they would have to get entry at the gate. Commissioner Vinyard asked if every unit would have a parking space assigned to them in the garage. Mr. Drenner responded in the affirmative. He stated that, for security reasons, the spaces would be on the same level as the unit, so they would have to have a pass to get into the garage, then a pass to get into the building.

Chair McGlaun asked about the fence, why one fence is proposed to be eight foot and one is six feet. He stated that they might want to work with staff to design some columns to create some breaks in the fence to separate the masonry blocks. He mentioned that they will need to work on the types of gates to be provided. He said that they will leave the types of landscaping to staff.

Present to go on record in support of this case was Trey Jacobson, LEV Investment, 300 Convent Suite 2600, San Antonio; Brian Bridgewater, HP Civil Engineering, 561 Miller Avenue, Dallas; Grace Jones, Heart of Arlington

Neighborhood Association, 4109 Creekstone Drive, Plano; and Rebecca Boxall, 2028 Millcreek Drive.

Present to speak in opposition to this case was Sherry Weinmann, 1510 Sherman Street. She stated that she lives in the apartments that they want to tear down, and that is why she's here. She mentioned that no one has told them what's going to happen to them. She said they didn't even know about this until the signs were put up and they have started a petition to save their apartments. She stated that putting a high-rise apartment building there will not look right for downtown. She mentioned that she just doesn't want their apartments torn down. Chair McGlaun commented that he doesn't have all the answers for her, but he does feel that the neighborhood will go through transition.

Commissioner Vinyard commented that she had asked about those apartments when they met with Mr. Drenner and he said there will be some compensation made. Mr. Drenner replied that his experience has been to provide information as to availabilities and to give as much notice as possible, so there will be time to move.

Also present to speak in opposition to this case was Constance Beard, 920 South Mesquite Street #13. She stated that with the economy right now, it is difficult for someone with limited income to find affordable housing. She mentioned that their apartment complex is on a cul-de-sac, has a little courtyard, is very quiet and well kept. She said there will be no options for her even if she gets six months' notice.

Also present to speak in opposition to this case was James McQueen, 920 South Mesquite Street #13. He stated that where they live is their home. He mentioned that they are all lower income families and that, even with the job he had, he will not be able to afford another place to live. He said that he doesn't want to give up his pet in order to find another place to live because the dog is his family. He stated that he does not want to lose his home.

Chair McGlaun commented that they had an extensive discussion on this case in their Work Session and a lot of effort was put forth by the applicant that has been shown in Work Session and in this meeting. He stated that there was some discussion as to whether the Commission should take more time and that he wanted to open the discussion as to whether they could make a motion using the stipulations they heard tonight and if staff has any concerns about those. He mentioned that he has checked off the items he felt were needed.

Commissioner McAlister commented that he thinks that staff has done a good job working with the applicant and feels that they can move forward with approval of the application with the stipulations.

Commissioner Vinyard commented that this is a land use Commission; however, she does not want this Commission to have a feeling that they are uncaring. She stated that the landowners are the ones they are concerned with at this time and she is an advocate for private property rights. She mentioned that she didn't know if they need staff's help as to what they put in the motion, so they can move forward with a packet they are happy with. Mr. Parajon replied that the applicant's attorney drafted a list of conditions that staff could utilize for enforcement purposes and those can be included in the motion to address the concerns.

Commissioner Fowler asked staff about fire/safety issues with the screening fence on the south side of the property. Mr. Parajon replied that the draft conditions give Staff enough flexibility to insure that it complies with all City regulations. He stated that conceptually what the applicant has submitted

can be adjusted as the development moves forward. He mentioned that if the Commission is inclined to move the case forward with the conditions, he would recommend that staff work with the applicant to make sure the conditions get applied into the documents, so when it gets to Council, all the conditions are part of the plan. He said that this helps Council as well as the residents understand what is going to happen if the project gets approved.

Commissioner Smith commented that they can go ahead and move this forward because he feels that staff and the applicant will be able to iron out the details. He asked the Heart of Arlington members in the audience to stand and recognized that organization for all their hard work in helping with this project.

Chair McGlaun closed the public hearing and read the list of stipulations to be included in the motion. He stated that these are for PD11-10 and substitute landscape plan SLP11-4:

1. The property owner shall be responsible for erecting a fence along the southern edge of the alley that complies with the following requirements:
  - a. The fence shall be a minimum of seven feet in height;
  - b. The fence shall allow access to any of the six property owners to the south of the alley that elect to preserve access;
  - c. The fence shall be constructed of split-face CMU with brick columns, matching the exterior façade of the proposed buildings within the development, with removable wooden inserts within each of the six lots.
  - d. The fence will not allow any gates to swing outside into the alley. They may be either sliding gates or gates that swing inward toward the properties along the south side of the alley; and
  - e. The fence shall be constructed within the City's alley, provided that the unobstructed alley shall remain 24 feet in width and the property owner shall obtain an easement use agreement to encroach into the public right-of-way.
2. The property owner shall be responsible for erecting a perimeter fence along all portions of the northern property line that are not adjacent to the parking garage which serves this development. The perimeter fence shall comply with the following requirements:
  - a. The fence shall be a minimum of seven feet in height; and
  - b. The fence shall be constructed of split-face CMU block with brick columns, matching the exterior façade of the proposed buildings within the development.
3. The following revisions shall be made to the substitute landscape plan:
  - a. All street trees along South Center Street and South Mesquite Street shall be a minimum of four caliper inches upon installation.
  - b. All street trees along South Center Street and South Mesquite Street shall be placed within tree grates a minimum of six-foot by eight-foot in size.
  - c. The trees that will be installed within the courtyard areas will be a combination of Redbud, Serviceberry, and Dogwood, or other native species tree as approved by the City.
  - d. The amount of native species landscaping within the development will be increased, as approved by City Staff.

4. Prior to the issuance of the Certificate of Occupancy, the property owner shall construct a six-foot wide sidewalk along South Center Street, extending north from the development site to East Mitchell Street, contingent upon obtaining the necessary right-of-way.

Ms. Hurd pointed out that the fence requirements are part of the substitute landscape plan. Mr. Parajon commented that since these are technical provisions, they can all be read into the record then take two votes, one for the development plan and one for the substitute plan and staff will apply the them where they go.

Chair McGlaun read the stipulations for the substitute landscape plan:

- a. All street trees along South Center Street and South Mesquite Street shall be a minimum of four caliper inches upon installation.
- b. All street trees along South Center Street and South Mesquite Street shall be placed within tree grates a minimum of six-foot by eight-foot in size.
- c. The trees that will be installed within the courtyard areas will be a combination of Redbud, Serviceberry, and Dogwood, or other native species tree as approved by the City.
- d. The amount of native species landscaping within the development will be increased, as approved by City Staff.

Clete McAlister made a motion to approve Zoning Case PD11-10 with the stipulations. Seconded by Samuel Smith, III, the motion carried with a vote of 9-0-0.

#### APPROVED

- D. Substitute Landscape Plan SLP11-4  
(Center Court Redevelopment-906, 908, and 920 South Mesquite Street; 101 Hosack Street; and 1001 South Center Street)

Application for approval of a Substitute Landscape Plan on approximately 3.44 acres currently zoned Multi-family (MF-22); generally located south of East Mitchell Street and east of South Center Street

Brandon Hill made a motion to approve Substitute Landscape Plan SLP11-4 with the stipulations. Seconded by Maurice Barksdale, the motion carried with a vote of 9-0-0.

#### APPROVED

Being no other business to come before the Commission, Chair McGlaun adjourned the meeting at 7:21 p.m.

\_\_\_\_\_  
Chair

ATTEST:

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Secretary to the Commission  
APPROVED this 7th day of December 2011